



## REGULAR MEETING MINUTES

**Wednesday, September 23, 2015  
Art Pick Council Chambers  
3900 Main Street, Riverside, CA**

### **CASE REVIEW – 4:30 PM**

#### **Case Review Roll Call**

Rotker	Hawkins	Ybarra	Huerta	Smith	Jackson	Roberts	Andres	Adams
✓	✓	B	✓	✓	✓	✓	✓	✓

✓ = Present    **B** = Absent / Business    **S** = Absent / Sick    **V** = Absent / Vacation    **O** = Absent / Other  
**UE** = Absent / Unexcused    **L** = Late    **LE** = Left Early    **■** = Vacant

**STAFF:** Frank Hauptmann, CPRC Manager; Phoebe Sherron, Sr. Office Specialist

#### **Oath of Office**

City Clerk will administer the Oath of Office to newly-appointed CPRC Commissioner Abel Huerta.

Recently-appointed Commissioner Mark Andres took the Oath of Office administered by Sherry Morton, Assistant City Clerk for the City of Riverside. Commissioner Huerta received a warm welcome from his fellow Commissioners.

#### **Public Comment**

This is an opportunity for members of the public to address the Commission on closed session items.

There were no public comments.

#### **Closed Session – Case Review**

Pursuant to Government Code Section 54957, the Commission adjourned to Closed Session at 4:32 PM to discuss issues pertaining to PUBLIC EMPLOYEE PERSONNEL MATTERS.

	<b>CPRC CASE NO.</b>	<b>RPD CASE NO.</b>
1)	15-009	PC-15-03010

The Commission recessed at 5:30 PM to reconvene in the Regular Meeting.

## **REGULAR MEETING – 5:30 PM**

### **PLEDGE OF ALLEGIANCE**

#### **Regular Meeting Roll Call**

Rotker	Hawkins	Ybarra	Huerta	Smith	Jackson	Roberts	Andres	Adams
✓	✓	B	✓	✓	✓	✓	✓	✓

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#### **Public Comments**

Public comment on any subject matter within the Commission's jurisdiction.

Paul Chavez spoke about the Jimenez OID. He said the Commission should consider the wording used in police reports because certain words are used in those reports to protect officers.

#### **Approval of Minutes**

<b>Minutes for Approval:</b>		August 26, 2015 Regular Meeting	
<b>Motion:</b>	Adams	<b>Approve:</b>	Rotker, Hawkins, Huerta, Smith, Jackson, Andres, Roberts, Adams
<b>Second:</b>	Andres	<b>Oppose:</b>	None
		<b>Abstain:</b>	None

## **OFFICER-INVOLVED DEATH (OID) CASE EVALUATIONS**

#### **Jimenez Officer-Involved Death (OID) Case Evaluation**

Continue discussion and action, if any, on the Jimenez OID Case Evaluation. The Commission may return to discussion of completed Stages, if needed.

- A)** Stage I – Commission Member Review: Complete
- B)** Stage II – Fact Finding, Request for Training & Investigation: Complete
- C)** Stage III – Policy and Procedure Process: In Process
- D)** Stage IV – Deliberation and Finding Process: In Process
- E)** Stage V – Recommendation Process
- F)** Stage VI – Written Public Report

Chair Jackson opened by calling for public comments.

Paul Chavez:

- The suspect was under the influence and sitting when the police arrived.
- What transpired was barking dogs and officers yelling; complete confusion.
- The sergeant had no control over the officers. They were doing what they wanted to do.
- The officer with the Taser jumped the fence, which is what caused Jimenez to react.
- The Commission should find that the officers' actions were out of policy.

Chair Jackson asked if Vice-Chair Adams' minority report had been submitted. Chair Jackson also noted that the term "minority report" is not used in the Policies and Procedures. She stated that Vice-Chair Adams' opinion differed from the majority and that the Commission would need to vote to include it in the public report. Chair Jackson said she believed the public report should include all opinions.

Commissioner Rotker said the minority report, per CPRC policy, must be reviewed by the Commission prior to its inclusion in the public report.

Vice-Chair Adams agreed. She noted that it was rare for there to be a dissenting opinion, but felt that if it occurs, it was important that the public also be aware of those opinions.

Commissioner Roberts also agreed that Commissioners should be able to review a dissenting opinion before it is published. She did believe, however, that there should be a better method of including a dissenting opinion in the public report.

Mr. Hauptmann said that he uses the information in Commissioners' rationales for drafting of the public report. If there is a dissenting opinion, he suggested that this opinion be included in the report in the same manner as the other rationales and that the Commission then vote on the manner in which the dissent is written into the public report.

Commissioner Hawkins was also in agreement with Commissioners being given the opportunity to review the dissenting opinion. He asked if it would be "co-mingled" with the other rationales. Chair Jackson said the Commission always had the opportunity to review the report prior to its approval.

Commissioner Andres said he had no problem with the dissenting opinion being included in the public report as the report would be available for the Commission to review prior to the report's approval.

Commissioner Rotker agreed that the suggested method of including the dissenting opinion was acceptable.

Chair Jackson asked if there were any other comments on the inclusion of the dissenting opinion. As there were none, she moved on to discussion of the recommendations submitted by Commissioners. She then asked some questions of Asst. Chief Vicino.

Chair Jackson:

- One recommendation suggests that there be two supervisors on the scene if it was known that there was a mental health concern. If there is more than one supervisor on-scene, would one take the priority role?
  - The first sergeant on-scene will usually take command and delegate to a sergeant who arrives after. Sometimes who takes command is decided based on expertise, but the decision is based on many things, not just one thing.
- Do RPD's new policies include anything regarding the response to a mental health situation?
  - Policies state what is allowed, not how to do it. Procedures on how to do things would be in the SOPs (standard operating procedures). To include a step-by-step process by which to deal with mental health incidents would be difficult because each one is different. The Department and County Mental Health don't want to put the one mental health clinician put in the position of negotiating with an individual during these incidents. The way in which these incidents are handled will be based on the circumstances that are faced at the time and they are very fluid and always changing.

Vice-Chair Adams:

- The Commission should be looking at specific policies and how those policies could be improved. It would be helpful if you (Asst. Chief Vicino) could tell us what those policies are, assuming they are already in place. If we told you what we're looking for, could you guide us to where the policies are?
  - The best way to handle this would be through your manager and then we can work together to identify the policies. Also, Lexipol has been referred to during these discussions. Lexipol wasn't

being used two years ago, but that doesn't mean the recommendations would need to change. The Department has incorporated recommendations in the past and if it hasn't, a rationale has been provided for that decision.

Chair Jackson:

- Was mental health training in place when this incident occurred?
  - Yes.

Commissioner Rotker:

- The Commission should be looking at RPD policies, but most of the recommendations are tactical in nature. There was only one recommendation in the list that might be a policy issue. If there is a formal recommendation, it should pertain to existing policies and not tactical suggestions.
  - The Department has incorporated recommendations, but caution on making tactical recommendations. The Department will lean towards experts in field when it comes to tactics. Hope that officers have learned to slow things down through their mental health training.

Commissioner Hawkins:

- Many of recommendations talk about supervisory oversight and that the supervisor on scene should be the negotiator. Are they trained to do that?
  - Yes.
- Someone has to take the role as negotiator to try to keep the person from taking their life, but when it comes to tactics, the Commission shouldn't get into that area because most Commissioners don't have experience to handle that.

Chair Jackson:

- If the supervisor is the negotiator, who coordinates the scene?
  - Every situation is different and there are two schools of thought. One is that the sergeant backs off to supervise and lets someone else negotiate. The other is if the sergeant has already started and built a rapport, he continues in that role.

There were no other questions for Asst. Chief Vicino.

There were some additional comments about some recommendations being tactical and other referring to policies. Based on this discussion, Chair Jackson asked Ms. Sherron to separate the recommendations by tactics and policy, asked Mr. Hauptmann to review them, and then have the revised document distributed to the Commission by October 14<sup>th</sup>.

Chair Jackson asked that Commissioners submit any additional recommendations to staff for inclusion with the others. She also noted that the dissenting opinion would be included in the public report draft.

#### **Hayes Officer-Involved Death (OID) Case Evaluation**

Continue discussion and action, if any, on the Hayes OID Case Evaluation. The Commission may return to discussion of completed Stages, if needed.

- A) Stage I – Commission Member Review: In Process
- B) Stage II – Fact Finding, Request for Training & Investigation: In Process
- C) Stage III – Policy and Procedure Process
- D) Stage IV – Deliberation and Finding Process
- E) Stage V – Recommendation Process
- F) Stage VI – Written Public Report

Chair Jackson opened by asking Commissioners to submit their rationales if they hadn't done so already.

Commissioner Hawkins said that the evidence is clear that the officers acted within policy.

Commissioner Rotker said the facts indicate that the officer's actions were clearly self-defense and that he had no choice but to use lethal force to protect himself from harm.

Vice-Chair Adams agreed, stating that the officer had no choice and should be commended for his quick actions. She recommended that the officer's actions were within policy.

Commissioner Andres seconded the motion.

Commissioner Huerta to Asst. Chief Vicino:

- If different handcuffing techniques could have been used and Hayes' other hand controlled, the shooting might not have occurred.
  - I don't disagree, but can't comment because I wasn't the involved officer. I'm very careful when I look at officers and what they were doing at the time they were doing them. I do disagree with you that the young man wouldn't have been shot if a different method had been used to handcuff him. It could be argued that both officers should have been there rather than one with the suspect and the other in the car checking the computer. It's possible that the officers were trying to give Hayes the benefit of the doubt. However, once things started happening, the officer's actions were within policy and within the law as already stated by some of the Commissioners.

Chair Jackson noted that RPD could be asked to provide a training update for the Commission on the methods used in situations of this sort. She then asked if there were any other questions or comments.

Commissioner Hawkins said that no matter what the officer had done, Hayes had planned on killing an officer that day.

Chair Jackson asked that the motion be restated and then asked for the vote.

Motion:		That the actions of the involved officers in the Hayes OID were Within Policy	
Motion:	Adams	Approve:	Rotker, Hawkins, Huerta, Smith, Jackson, Roberts, Andres, Adams
Second:	Andres	Oppose:	None
		Abstain:	None

Chair Jackson asked Commissioners to submit their rationales by the next meeting if they hadn't already done so. She also asked if there were any policy recommendations. As there were none, Chair Jackson noted that Stage V was now complete.

Ms. Sherron asked if the Ramirez OID could be agendized for October since it had been on hold for a while and public discussion of the current cases were nearly concluded.

There was discussion in which it was decided to agendize Ramirez, but that there would be limited discussion of the case during the October meeting.

## COMMISSION ACTIVITY REPORTS

### CPRC Ad-hoc Committees

Reports from Committee Chairs, with Commission discussion and action, if any, regarding respective Committee activities and / or recommendations:

A) Outreach Committee: Vice-Chair Adams – Chair

B) NACOLE 2015 Conference Planning Committee: Commissioner Roberts – Chair

## **A) Outreach Committee**

Vice-Chair Adams:

- Met on September 14<sup>th</sup> and reviewed the suggestions that were given to the Committee and the results would be discussed later in the meeting.
- Will contact the high schools after the NACOLE Conference to schedule this year's presentations.

## **B) NACOLE 2015 Conference Planning Committee**

Chair Jackson:

- Conference registration is at 460.
- The major hotels in Riverside are sold out and NACOLE is looking for hotels outside of Riverside.
- New this year is three concurrent sessions rather than two.
- The larger numbers are not a problem except for the Sankofa event due to the limited space where it would take place at the Mission Inn.

Chair Jackson then asked Vice-Chair Adams and Ms. Sherron to report on their recent conference-related activities.

Vice-Chair Adams said the volunteers' assignment list had been distributed. She asked that she be contacted by Commissioners she hadn't heard from if they were interested in any open spots. She also noted that they could wait until the Conference started and then help where needed.

Commissioner Hawkins asked about the volunteering hours and if NACOLE decided who would work in what capacity. Vice-Chair Adams said that NACOLE created the hours, but individuals selected where they wanted to help.

Ms. Sherron said that she was in charge of arranging for the use of the Historic Courthouse and that everything needed for its use was now being finalized. She said that she would be at the Courthouse around 4:30 PM on October 4<sup>th</sup> to assist with setup. She said she had also been checking with various City departments to get items to place in the conference bags.

Commissioner Roberts asked about music for the Opening Reception. Ms. Sherron said that NACOLE decided against live music for that event, so a phone or tablet would be hooked up to the audio system to provide the music.

Chair Jackson asked Mr. Hauptmann if he had anything on which he wanted to comment. He did not, noting that everything had been covered.

## **Meetings and Training Sessions**

Reports from Commissioners regarding CPRC-based meetings, non-Outreach meetings, and / or training sessions attended in August / September.

September 2 – Code of Ethics Meeting

- Chair Jackson

September 8 – NACOLE Local Committee Meeting

- Chair Jackson, Mr. Hauptmann, Ms. Sherron

September 10 – NACOLE Scholarship Committee Meeting

- Chair Jackson

September 11 – CPRC Officers / Manager Meeting

- Chair Jackson, Vice-Chair Adams, Mr. Hauptmann

September 14 – Outreach Committee Meeting

- Vice-Chair Adams, Commissioners Andres and Smith, Ms. Sherron

September 15 – CPRC History Panel Practice Run

- Commissioner Roberts, Mr. Hauptmann, Ms. Sherron

September 22 – Less-Lethal Hands-On Firearms Training

- Commissioners Smith and Rotker, Ms. Sherron

### **Outreach**

#### **A) August / September Outreach**

Reports from Commissioners regarding community meetings or events which they attended.

September 10 – RCPA Meeting

- Commissioner Andres

September 12 – Golden Badge Awards

- Chair Jackson, and Commissioners Rotker, Huerta, and Hawkins

#### **B) Scheduled Outreach Events**

- 1) NACOLE Conference, October 4 – 8, 2015, Riverside Convention Center
- 2) Dr. Thompson's Community Relations Class, October 27, 2015, RCC

#### **C) Future Outreach Opportunities**

- 1) Arlanza Community Fair, October 3, 2015, Bryant Park
- 2) Riverside Coalition for Police Accountability Annual Meeting, October 5, 2015
- 3) Input from Outreach Coordinator on potential outreach events
- 4) Input from Commission Members on potential outreach events

Vice-Chair Adams reminded Commissioners of the presentation to Dr. Thompson's class on October 27<sup>th</sup>. She also noted that RCPA's annual meeting was taking place during the NACOLE conference.

### **Staff Report**

Mr. Hauptmann:

- Informed the Commission that Ms. Sherron's position had been reclassified to Administrative Assistant.
- Advised that he had been asked by Mayor Bailey to represent the City on a panel discussion at UCR regarding immigration and how it affects public safety.

## **OLD BUSINESS**

### **Outreach PowerPoint Presentation**

Discussion and action, if any, on the PowerPoint presentation to be used for CPRC Outreach.

Vice-Chair Adams reported that the Outreach Committee met to discuss recommended changes to the PowerPoint. Some changes were accepted while others were not.

Chair Jackson opened for discussion.

Commissioner Smith said he had learned the presentation could not be changed once it was approved. He asked if Commissioners could instead use a "subset" of the slides to allow for time constraints of an Outreach presentation.

Vice-Chair Adams said the presentations do not need to be so structured and that a presenter could skip slides if necessary. She suggested that the PowerPoint be reviewed prior to the Outreach presentation. Commissioner Smith said he would do a review, choose the slides for the time period being given, then hide the other slides using a function called Hide Slides. Mr. Hauptmann agreed that that wouldn't be a problem.

Commissioner Rotker recommended inserting "and police" after "community" in the second bullet on the Outreach page.

As there were no additional comments or recommendations, Chair Jackson asked for a motion to accept the PowerPoint presentation.

<b>Motion:</b>		That the Outreach PowerPoint Presentation, as amended, be approved.	
<b>Motion:</b>	Smith	<b>Approve:</b>	Rotker, Hawkins, Huerta, Smith, Jackson, Roberts, Andres, Adams
<b>Second:</b>	Rotker	<b>Oppose:</b>	None
		<b>Abstain:</b>	None

Chair Jackson asked that the presentation also be added to the CPRC website.

### **Annual Review of the City's Code of Ethics**

Discussion and action, if any, on recommendations or inclusion of new values or procedures in the City's Code of Ethics for elected officials and members of appointed boards, commissions, and committees. On September 2, 2015, the Governmental Affairs Committee held the required annual review of the Code of Ethics with the Mayor, City Manager, City Attorney, and the Chairs of all Boards and Commissions. The City Council's public hearing on the resultant report is scheduled for September 22, 2015, at 7 PM in the Art Pick Council Chamber.

Chair Jackson said she attended the Code of Ethics review and that the review committee requested more time. She also noted that she was unable to attend the September 22<sup>nd</sup> Council Meeting.

## **NEW BUSINESS**

### **Independent Investigators**

Discussion and action, if any, to expand the diversity of independent investigators used by the Commission.

Chair Jackson asked Commissioner Roberts to open this item.

Commissioner Roberts noted that the Commission currently has one investigator and that he couldn't find witnesses in one of the recent OIDs. The RCPA suggested that the Commission broaden the diversity of its investigators in an attempt to address situations of this type.

Mr. Hauptmann said that Mr. Bumcrot has a couple of investigators he works with who are Hispanic. Mr. Hauptmann also noted that it was his decision as to the investigator the Commission would use. He asked that the Commission let him know if someone else was wanted so that he could begin the search.

Mr. Rotker said that while he appreciated RCPA's suggestion, it wasn't necessarily a correct assessment. He noted that it would have been useful for Mr. Bumcrot to have had the other investigator assist in the canvass of the neighborhood, but didn't think the Commission was unhappy with Mr. Bumcrot or felt that he should be replaced.



Commissioner Andres said it would be good to try to find a mix of investigators to use in various neighborhoods when necessary. Commissioner Roberts agreed, stating that Mr. Bumcrot was doing a bad job, but there should be more representation to try to find additional witnesses.

Commissioner Smith asked if there was a limit on how many investigators could work on a case. Mr. Hauptmann said there was no limit.

Vice-Chair Adams said she felt it was Mr. Bumcrot's responsibility to determine whether he could be more successful if he had someone else try.

As discussion continued, Chair Jackson noted that half the Commission wanted to find another investigator while the other half felt Mr. Bumcrot should be given the opportunity to prove himself. She noted that it was after 8 PM and that a decision had not yet been reached. As a result, discussion would continue during the next meeting. She also asked Mr. Hauptmann to speak with Mr. Bumcrot as to what had been discussed.

### **Commissioner Comments**

Pursuant to Government Code Section 54954.2, Commission members may use this time to make brief announcements or a brief report on their own activities.

Vice-Chair Adams congratulated Mr. Hauptmann on his new granddaughter.

Chair Jackson said she had talked with Commissioner Rotker about creating an RPD Outreach ad-hoc committee and asked that it be included on the next agenda.

### **Items for Future Commission Consideration**

Items for future Commission consideration can be agendized by any Commissioner. Discussion and action, if any, will occur only during the meeting for which that item has been agendized.

There were none.

### **Adjournment**

The Commission adjourned at 8:09 PM.

Respectfully submitted,



PHOEBE SHERRON  
Administrative Assistant

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